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Washington, Thursday, August 29, 1940

## The President

### APPROVING REPORT OF UNITED STATES TARIFF COMMISSION ON SHIPMENTS AND IMPORTS OF RED CEDAR SHINGLES

BY THE PRESIDENT OF THE UNITED STATES  
OF AMERICA

#### A PROCLAMATION

WHEREAS the act of Congress approved July 1, 1940 (Pub. No. 698, 76th Cong.), entitled "An Act to provide for exercising the right with respect to red cedar shingles reserved in the trade agreement concluded November 17, 1938, between the United States of America and Canada, and for other purposes," provides as follows:

"That (a) the United States Tariff Commission is hereby directed to conduct an investigation as soon as practicable after the close of the calendar year 1939 and each calendar year thereafter, for the purpose of ascertaining the quantities of red cedar shingles shipped by producers in the United States and the quantities of imported red cedar shingles entered for consumption, or withdrawn from warehouse for consumption, during each of the three calendar years immediately preceding any such investigation.

"(b) If the Commission finds, on the basis of an investigation under subdivision (a) of this section, that in any calendar year after 1938 the quantity of imported red cedar shingles entered for consumption, or withdrawn from warehouse for consumption, was in excess of 30 per centum of the combined total for such year of the respective quantities ascertained in such investigation, it shall so report to the President. If the President approves the report of the Commission, he shall so proclaim, and on and after the day following the filing of such proclamation with the Division of the Federal Register and so long as any trade agreement entered into under the authority of section 350 of the Tariff Act of 1930, as amended, shall be in effect with respect to the importation into the United States of red cedar

shingles, there shall be a duty upon imported red cedar shingles entered for consumption, or withdrawn from warehouse for consumption, in any calendar year in excess of 30 per centum of the annual average for the preceding three calendar years of the combined total of the quantity of such shingles shipped by producers in the United States and of the quantity of such imported shingles entered for consumption, or withdrawn from warehouse for consumption. The rate of such duty shall be 25 cents per square. Any duty imposed under this Act shall be treated for the purposes of all provisions of law relating to customs revenue as a duty imposed by the Tariff Act of 1930, and shall not apply to shingles entered for consumption before the duty becomes applicable.

"(c) The quantity of red cedar shingles entitled to exemption from any duty imposed pursuant to this Act shall be ascertained for each quota period by the Commission and reported to the Secretary of the Treasury."

WHEREAS the United States Tariff Commission has reported to me that pursuant to the said act it has conducted an investigation and has ascertained the quantities of red cedar shingles shipped by producers in the United States and the quantities of imported red cedar shingles entered for consumption, or withdrawn from warehouse for consumption, during each of the three calendar years immediately preceding such investigation, namely, the calendar years 1937, 1938, and 1939; and

WHEREAS, as shown by its report, the Commission has found, on the basis of its investigation, that in the calendar year 1939 the quantity of imported red cedar shingles entered for consumption, or withdrawn from warehouse for consumption, was in excess of 30 per centum of the combined total for such year of the quantity of red cedar shingles shipped by producers in the United States and the quantity of imported red cedar shingles entered for consumption, or withdrawn from warehouse for consumption, as ascertained by the Commission:

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NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby proclaim

my approval of the said report of the United States Tariff Commission, to the end that the duty provided in the aforesaid act approved July 1, 1940, shall be imposed upon such imported red cedar shingles as are subject to duty under that act.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 26<sup>th</sup> day of August in the year of our Lord nineteen hundred and forty, and [SEAL] of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL,  
Secretary of State.

[No. 2421]

[F. R. Doc. 40-3602; Filed, August 28, 1940; 11:01 a. m.]

### EXECUTIVE ORDER

#### COORDINATING THE ELECTRICAL FACILITIES OF GRAND COULEE DAM PROJECT AND BONNEVILLE PROJECT

WHEREAS the Bureau of Reclamation is constructing the Grand Coulee Dam Project pursuant to authority delegated under section 2 of the act of August 30, 1935, 49 Stat. 1028, 1039, and in connection therewith will operate and maintain facilities for the generation of electrical power and energy; and

WHEREAS the Bonneville Power Administrator is now disposing of power and energy generated at the Bonneville Project; and

WHEREAS integration and coordination of the electrical facilities of the two projects will be facilitated by a mutual exchange of the electrical power and energy generated at the Bonneville Project and the Grand Coulee Dam Project and by marketing the power and energy from both projects through a single agency:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States by section 2 of the act of August 30, 1935, *supra*, and supplementing my letter of January 29, 1936, to the Secretary of the Interior, it is hereby ordered as follows:

1. The Bonneville Power Administrator is hereby designated, under the supervision and direction of the Secretary of the Interior, as agent for the sale and distribution of electrical power and energy generated at the Grand Coulee Dam Project and not required for operation of that Project, including its irrigation features.

2. The Administrator shall construct, operate, and maintain the transmission lines and substations and appurtenant structures and facilities necessary for

marketing the power and energy delivered to him from the Grand Coulee Dam Project; except that the Bureau of Reclamation may construct, operate, or maintain such transmission facilities as the Secretary of the Interior, in his discretion, deems necessary or desirable. The Bureau of Reclamation and the Administrator, with the approval of the Secretary, shall agree upon and schedule the installation of additional generators at the Grand Coulee Dam Project.

3. The Bureau of Reclamation, with the approval of the Secretary, shall provide the Administrator with a basic schedule of the power and energy to be available to him from the Grand Coulee Dam Project. The Bureau, with the Secretary's approval, may revise the schedule from time to time, except that no revision decreasing the amount of power and energy available under an existing schedule shall be effective unless agreed to by the Administrator. The Bureau will make power and energy from the Grand Coulee Dam Project available to the Administrator in accordance with these schedules.

4. The Administrator shall market the power and energy delivered to him from the Grand Coulee Dam Project at rates to be fixed by the Secretary of the Interior consistently with all applicable provisions of law and allocations of cost determined as provided thereunder. From time to time the Secretary of the Interior, consistently with all applicable provisions of law and allocations of cost made pursuant thereto, shall determine the basis on which the Administrator and the Bureau shall compute the returns to be made to the Bureau for power and energy delivered to the Administrator from the Grand Coulee Dam Project pursuant to this order. All receipts collected by the Administrator from transmission and sale of power and energy shall be deposited with the Treasurer of the United States for credit to a special account, subject to allocation by the Secretary of the Interior in accordance with the computations above provided for. Upon certification by the Secretary of the Interior, the amounts of receipts properly allocable to the Bonneville Project shall be covered into the Treasury of the United States to the credit of miscellaneous receipts subject to the provisions of section 2 of the act of August 20, 1937, 50 Stat. 731, 732. The amounts certified by the Secretary of the Interior as being allocable to the Grand Coulee Dam Project shall be covered into the Treasury for credit to the Reclamation Fund to the extent authorized by law.

5. In aid of this delegation of authority to the Secretary of the Interior, the Commissioner of the Bureau of Reclamation and the Bonneville Power Administrator shall, subject to the approval of the Secretary of the Interior and the terms of this order, enter into any and all agreements that are necessary for



the interconnection of the Bonneville Project and the Grand Coulee Dam Project and to carry out the provisions of this order.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,  
August 26, 1940.

[No. 8526]

[P. R. Doc. 40-3592; Filed, August 27, 1940;  
2:58 p. m.]

## Rules, Regulations, Orders

### TITLE 14—CIVIL AVIATION

#### CHAPTER I—CIVIL AERONAUTICS AUTHORITY

[Amendment 70, Civil Air Regulations]

#### REDESIGNATION OF CONTROL ZONES OF INTERSECTION AND CERTAIN AIRWAY TRAFFIC CONTROL AREAS

At a session of the Civil Aeronautics Board of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 27th day of August, 1940.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 601 (a) of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective October 1, 1940, Part 60 of the Civil Air Regulations is amended as follows:

(1) By amending § 60.22 so as to delete the words "Kansas City, Mo."

(2) By amending § 60.2402 to read as follows:

§ 60.2402 *Green civil airway No. 3 airway traffic control areas (Los Angeles, Calif., to Philadelphia, Pa.)*. Those portions of green civil airway No. 3: From the Municipal Airport, Los Angeles, Calif., to a line extended at right angles across such airway through a point on the center line thereof 25 miles east of the Ashfork, Ariz., radio range station; from a line extended at right angles across such airway through a point on the center line thereof 25 miles north-east of the Wichita, Kans., radio range station to the Municipal Airport, Philadelphia, Pa.

(3) By amending § 60.2413 to read as follows:

§ 60.2413 *Amber civil airway No. 4 airway traffic control areas (Brownsville, Tex., to Bismarck, N. Dak.)*. Those portions of amber civil airway No. 4: From a line extended at right angles across such airway through a point on the center line thereof 25 miles north of the Austin, Tex., radio range station, to a line extended at right angles across such airway through a point on the center line

thereof 25 miles south of the Oklahoma City, Okla., radio range station; from a line extended at right angles across such airway through a point on the center line thereof 25 miles north of the Chanute, Kans., radio range station, to a line extended at right angles across such airway through a point on the center line thereof 25 miles southeast of the Omaha, Nebr., radio range station.

(4) By amending § 60.24211 to read as follows:

§ 60.24211 *Red civil airway No. 12 airway traffic control areas (Kansas City, Mo., to Detroit, Mich.)*. All portions of red civil airway No. 12.

By the Civil Aeronautics Board.

[SEAL]

THOMAS G. EARLY,  
Acting Secretary.

[P. R. Doc. 40-3596; Filed, August 28, 1940;  
9:26 a. m.]

[Amendment 71, Civil Air Regulations]

#### REDESIGNATION OF RADIO FIXES, CONTROL ZONES OF INTERSECTION, AND AIRWAY TRAFFIC CONTROL AREAS

At a session of the Civil Aeronautics Board of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 27th day of August 1940.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 601 (a) of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective September 1, 1940, Part 60 of the Civil Air Regulations is amended as follows:

1. By amending § 60.22 to read as follows:

§ 60.22 *Control zones of intersection designation*. The radio range station of the Civil Aeronautics Authority located at each of the following cities is designated as the center of a control zone of intersection: Albany, N. Y.; Albuquerque, N. Mex.; Amarillo, Tex.; Belgrade, Mont.; Boston, Mass.; Billings, Mont.; Bismarck, N. Dak.; Burlington, Vt.; Charleston, S. C.; Cheyenne, Wyo.; Cincinnati, Ohio; Columbus, Ohio; Concord, N. H.; Corpus Christi, Tex.; Daytona Beach, Fla.; Denver, Colo.; Ellensburg, Wash.; El Paso, Tex.; Fargo, N. Dak.; Helena, Mont.; Houston, Tex.; Huron, S. Dak.; Indianapolis, Ind.; Jackson, Miss.; Jacksonville, Fla.; Kansas City, Mo.; Laramie, Wyo.; Louisville, Ky.; Memphis, Tenn.; Miami, Fla.; Millinocket, Maine; Minneapolis, Minn.; Nashville, Tenn.; Mobile, Ala.; New Orleans, La.; Northdallas, Oreg.; Oklahoma City, Okla.; Omaha, Nebr.; Pendleton, Oreg.; Portland, Oreg.; San Antonio, Tex.; Seattle, Wash.; Spo-

kane, Wash.; Tallahassee, Fla.; Tampa, Fla.; Tulsa, Okla.; White Hall, Mont.; Wichita, Kans.

2. By amending § 60.23002 to read as follows:

§ 60.23002 *Green civil airway No. 3 (Los Angeles, Calif., to Philadelphia, Pa.)*. Los Angeles, Calif., radio range station; the intersection of the center lines of the on course signals of the north leg of the Los Angeles, Calif., radio range and the southwest leg of the Palmdale, Calif., radio range, or the Newhall, Calif., radio range station; Palmdale, Calif., radio range station; the intersection of the center lines of the on course signals of the west leg of the Daggett, Calif., radio range and the north leg of the Riverside, Calif., radio range; Daggett, Calif., radio range station; Kingman, Ariz., radio range station; the intersection of the center lines of the on course signals of the east leg of the Kingman, Ariz., radio range and the southeast leg of the Ashfork, Ariz., radio range; Winslow, Ariz., radio range station; El Morro, N. Mex., radio range station; Albuquerque, N. Mex., radio range station; Otto, N. Mex., radio range station; Tucumcari, N. Mex., radio range station; Amarillo, Tex., radio range station; Gage, Okla., radio range station; Wichita, Kans., radio range station; Lebo, Kans., radio range station; Kansas City, Mo., radio range station; Columbia, Mo., radio range station; New Florence, Mo., radio marker station; the intersection of the center lines of the on course signals of the west leg of the St. Louis, Mo., radio range and the southwest leg of the Springfield, Ill., radio range; St. Louis, Mo., radio range station; Effingham, Ill., radio range station; Terre Haute, Ind., radio range station; Indianapolis, Ind., radio range station; Columbus, Ohio, radio range station; Cambridge, Ohio, radio marker station; Hickory, Pa., fan type radio marker station, or the intersection of the center lines of the on course signals of the west leg of the Pittsburgh, Pa., radio range and the southeast leg of the Akron, Ohio, radio range; Pittsburgh, Pa., radio range station; New Alexandria, Pa., fan type radio marker station, or the intersection of the center lines of the on course signals of the northeast leg of the Pittsburgh, Pa., radio range and the west leg of the Cove Valley, Pa., radio range; Cove Valley, Pa., radio range station; Harrisburg, Pa., radio range station; Philadelphia, Pa., radio range station.

3. By amending § 60.23106 to read as follows:

§ 60.23106 *Amber civil airway No. 7 (Key West, Fla., to Caribou, Maine)*. Key West, Fla., radio range station; Miami, Fla., radio range station; Melbourne, Fla., radio range station; Daytona Beach, Fla., radio range station; Jacksonville, Fla., radio range station; Savannah, Ga., radio range station; Charleston, S. C., radio range station;



Florence, S. C., radio range station; Raleigh, N. C., radio range station; Richmond, Va., radio range station; Mason Springs, Md., fan type radio marker station, or the intersection of the center lines of the on course signals of the northeast leg of the Gordonsville, Va., radio range and the south leg of the Washington, D. C., radio range; Washington, D. C., radio range station; Baltimore, Md., radio range station; Philadelphia, Pa., radio range station; New Brunswick, N. J., radio fan type marker station, or the intersection of the center lines of the on course signals of the east leg of the Allentown, Pa., radio range and the southwest leg of the Newark, N. J., radio range; Newark, N. J., radio range station; Yonkers, N. Y., fan type radio marker station, or the intersection of the center lines of the on course signals of the south leg of the New Hackensack, N. Y., radio range and the northeast leg of the Newark, N. J., radio range; Hartford, Conn., radio range station; Boston, Mass., radio range station; Portland, Maine, radio range station; Augusta, Maine, radio range station; Bangor, Maine, radio range station; Milinocket, Maine, radio range station; Caribou, Maine, radio range station.

4. By amending § 60.23202 to read as follows:

§ 60.23202 *Red civil airway No. 3 (Philadelphia, Pa., to New York, N. Y.)*. Philadelphia, Pa., radio range station; the intersection of the center lines of the on course signals of the east leg of the Allentown, Pa., radio range and the south leg of the New York, N. Y. (New York Municipal Airport, LaGuardia Field), radio range.

5. By amending § 60.2402 to read as follows:

§ 60.2402 *Green civil airway No. 3 airway traffic control areas (Los Angeles, Calif., to Philadelphia, Pa.)*. Those portions of green civil airway No. 3: From the Municipal Airport, Los Angeles, Calif., to a line extended at right angles across such airway through a point on the center line thereof 25 miles east of the Ashfork, Ariz., radio range station; from a line extended at right angles across such airway through a point on the center line thereof 25 miles west of the Columbia, Mo., radio range station, to a line extended at right angles across such airway through a point on the center line thereof 25 miles southwest of the Terre Haute, Ind., radio range station; from a line extended at right angles across such airway through a point on the center line thereof 25 miles east of the Columbus, Ohio, radio range station, to the Philadelphia, Pa., radio range station.

6. By amending section 60.24202 to read as follows:

§ 60.24202 *Red civil airway No. 3 airway traffic control areas (Philadelphia,*

*Pa., to New York, N. Y. (LaGuardia Field))*. All of red civil airway No. 3.

By the Civil Aeronautics Board.

[SEAL]

THOMAS G. EARLY,  
Acting Secretary.

[F. R. Doc. 40-3597; Filed, August 28, 1940;  
9:26 a. m.]

## TITLE 20—EMPLOYEES' BENEFITS

### CHAPTER II—RAILROAD RETIREMENT BOARD

#### AMENDMENT TO REGULATIONS UNDER THE RAILROAD RETIREMENT ACT OF 1937<sup>1</sup>

Pursuant to the general authority contained in section 10 of the Act of June 24, 1937 (sec. 10, 50 Stat. 314; 45 U.S.C. Sup. III, 228j) § 262.15 of the Regulations of the Railroad Retirement Board under such Act (4 F.R. 1477) is amended by Board Order 40-424 dated August 20, 1940, to read as follows:

§ 262.15 *Offices of the Board*. The main office established by the Board is located in the District of Columbia. The only other offices established by the Board are Regional Offices located at New York, New York; Cleveland, Ohio; Chicago, Illinois; Atlanta, Georgia; Minneapolis, Minnesota; Kansas City, Missouri; Dallas, Texas; Denver, Colorado; Seattle, Washington; and San Francisco, California. (Offices of district managers or of any other field forces are not offices within the meaning of this section.) (Sec. 10, 50 Stat. 314; 45 U.S.C. Sup. III, 228j)

By Authority of the Board.

[SEAL]

JOHN C. DAVIDSON,  
Secretary.

Dated August 27, 1940.

[F. R. Doc. 40-3591; Filed, August 27, 1940;  
2:42 p. m.]

## TITLE 25—INDIANS

### CHAPTER I—OFFICE OF INDIAN AFFAIRS

#### PART 130—ORDERS FIXING OPERATION AND MAINTENANCE CHARGES

##### AMENDMENT OF THE ORDER FIXING OPERATION AND MAINTENANCE CHARGES ON THE UTAH INDIAN IRRIGATION PROJECT, UTAH

AUGUST 22, 1940.

That part of the order of the Secretary of the Interior of February 13, 1937, as amended on February 21, 1939 (25 CFR 130.77, 4 F.R. 1225), fixing operation and maintenance charges on the Uintah Indian Irrigation Project, Utah, is amended to read as follows:

§ 130.77 *Charges*. In compliance with the provisions of the Act of June 21,

<sup>1</sup> 4 F.R. 1477.

1906 (34 Stat. 375), the operation and maintenance charges for the lands under the following units and under the various ditches in those units of the Uintah Irrigation Project, except where otherwise established by contract, and until further notice, based on estimated costs for each year, are fixed for each acre susceptible of irrigation as follows:

Uintah River Unit, comprising Bench No. 1, Henry Jim and Uintah ditches, \$0.75.

Individual Indian Unit on Uintah River, comprising Harmes, Individual Indian, A, B, C and D, Daniels and Tabby White ditches, \$0.50.

Duchesne River Unit, comprising Grey Mountain, Jasper Pike, Leland, Myton Townsite, Ouray School, and Pahcease and Wissiup ditches, \$0.75.

Lakefork River Unit, comprising Lakefork, Red Gap and Dry Gulch ditches, \$0.75.

Deep Creek Unit, diverting from Whiterocks and Uintah Rivers, comprising Deep Creek ditch, \$1.00.

Whiterocks Unit, comprising Farm Creek and Whiterocks ditches, \$0.85.

White River Unit, comprising all lands to which water can be served for irrigation within the White River allotments and the Ute Extension area in the vicinity of Hill and Willow Creeks, \$0.75.

(34 Stat. 375, 45 Stat. 210; 25 U.S.C. 387) [Par. 1, Order, Sec. Int., Feb. 13, 1937, amended by Order, Sec. Int., Feb. 21, 1939, amended by Order, Sec. Int., Aug. 22, 1940]

OSCAR L. CHAPMAN,  
Assistant Secretary.

[F. R. Doc. 40-3599; Filed, August 28, 1940;  
9:28 a. m.]

## TITLE 29—LABOR

### CHAPTER V—WAGE AND HOUR DIVISION

#### PART 522—EMPLOYMENT OF LEARNERS CUSTOM-MADE BRANCH OF THE MILLINERY INDUSTRY

The following Regulations, Part 522, §§ 522.001 to 522.007, inclusive (Regulations applicable to the employment of learners in the custom-made branch of the millinery industry) are hereby issued. These Regulations shall become effective upon my signing the original and upon the publication thereof in the FEDERAL REGISTER.

Signed at Washington, D. C., this 26th day of August, 1940.

PHILIP B. FLEMING,  
Administrator.

§ 522.001 *Conditions under which certificates will be granted*. Applications for the employment of learners in the custom-made branch of the millinery industry shall be granted by the Admin-



istrator or his authorized representative under the conditions which are set forth in the application form requiring report on number of learners employed and those given below when it appears that experienced workers are not available, and that the issue of a Special Certificate upon such application will not create unfair competitive labor cost advantages or impair or depress working standards of experienced workers established for work of like or comparable character in the industry.

§ 522.002 *Proportion and occupations for learners.* Learners may be employed under the certificate to a number not exceeding 10 percent of the average number of makers employed during the previous year or 10 percent of the makers currently employed, whichever number is larger, provided that any learner may be replaced during the first six weeks of the learning period, whether such learner voluntarily leaves his employment or is dismissed.

§ 522.003 *Length of learning period.* No person shall be employed as a learner under the certificate longer than 12 months.

§ 522.004 *Learner wage rates.* Learners employed under the certificate shall be paid not less than 30 cents per hour during the first six months and 35 cents per hour during the second six months of the learning period. In the establishments where experienced makers are paid on a piece work rate, learners shall be paid at least the same piece work rate and shall be paid on this rate if they earn in excess of the subminimum rate established above.

§ 522.005 *Employment under certificate.* Only learners shall be employed at a subminimum wage under the certificate and no learner shall be employed under the certificate unless hired when an experienced worker is not available.

§ 522.006 *Length of time certificate will be valid.* A certificate issued pursuant to this order shall be valid for a period of twelve months after its effective date unless extended by order or otherwise.

§ 522.007 *Definitions.* Under this Regulation, the term "learner" means a worker who is a "maker" engaged in learning all the operations involved in the making of custom millinery by hand (floor girls, helpers, preparers, and general workers are specifically excluded); the term "experienced worker" means a person who at any time has been employed in all the operations involved in the making of custom millinery by hand for the period of one year, and the term "custom-made branch of the millinery industry" includes hand-made hats made by "makers" who perform all operations in the making of hats, which usually sell "for \$36.00 per dozen and up."

[F. R. Doc. 40-3594; Filed, August 27, 1940; 4:18 p. m.]

#### PART 522—EMPLOYMENT OF LEARNERS POPULAR PRICED BRANCH OF THE MILLINERY INDUSTRY

The following Regulations, Part 522, §§ 522.011 to 522.017, inclusive (Regulations applicable to the employment of learners in the popular priced branch of the millinery industry), are hereby issued. These Regulations shall become effective upon my signing the original and upon publication thereof in the FEDERAL REGISTER.

Signed at Washington, D. C., this 26th day of August, 1940.

PHILIP B. FLEMING,  
Administrator.

§ 522.011 *Conditions under which certificates will be granted.* Applications for the employment of learners in the popular priced branch of the millinery industry shall be granted by the Administrator or his authorized representative under the following terms when it appears that experienced workers are not available, and that the issue of a Special Certificate upon such application will not create unfair competitive labor cost advantages, or impair or depress working standards of experienced workers established for work of like or comparable character in the industry:

§ 522.012 *Proportion and occupations of learners.* Learners may be employed during any one six months' period in a calendar year under the certificate to a number not exceeding in the aggregate 10% of the largest number of straw operators or fabric operators employed during the same season of the preceding year or 10% of the number currently employed, whichever number is larger, and 5% of the largest number of trimmers employed during the same season of the preceding year or 5% of the number currently employed, whichever number is larger, provided that at least one learner in each of the specified occupations may be employed, and provided any learner who may be employed under such a certificate may be replaced during the first two weeks' period following such employment, whether such learner voluntarily leaves his employment or is dismissed by the employer.

§ 522.013 *Length of learning period.* No person shall be employed as a learner under the certificate longer than 240 hours in the occupation of operating (stitching) on straw or fabric and the occupation of trimming. In the case of an operator who is transferred from straw to fabric or from fabric to straw one additional 80 hours' retraining or secondary learning period is allowed. No primary learning period is allowed for operating (stitching) on felt.

§ 522.014 *Learner wage rates.* Learners employed under the certificate shall be paid not less than 30 cents per hour for straw or fabric operating (stitching)

and 35 cents per hour for trimming. In plants where experienced operators or trimmers are paid on a piece work rate, learners shall be paid at least the same piece work rate and shall receive earnings paid on this rate if they earn in excess of 30 cents per hour in straw or fabric operating (stitching) or 35 cents per hour in trimming.

§ 522.015 *Employment under certificate.* Only learners shall be employed at a subminimum wage rate under the certificate and no learner shall be employed under the certificate unless hired when an experienced worker is not available.

§ 522.016 *Length of time certificate will be valid.* A certificate issued pursuant to this order shall be valid for a period of six months after its effective date.

§ 522.017 *Definitions.* Under this Regulation, the term "learner" means a person who has not been employed for more than 240 hours during the past five years in the occupations of straw or fabric operating (stitching) and trimming; and the term "popular branch of the millinery industry" includes hats made in whole or in part by machine and selling for under \$36.00 per dozen.

[F. R. Doc. 40-3595; Filed, August 27, 1940; 4:18 p. m.]

#### TITLE 35—PANAMA CANAL CHAPTER I—CANAL ZONE REGULATIONS

##### PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

##### INSPECTION AND CONTROL OF VESSELS IN CANAL ZONE WATERS

By virtue of authority vested in me by the Act of June 15, 1917 (40 Stat. 220), and by a Proclamation of the President of the United States, dated June 27, 1940,<sup>1</sup> the following regulations are hereby promulgated to take effect at once:

1. All existing rules and regulations governing anchorage and movements of vessels in the waters of the Canal Zone are hereby reaffirmed and continued in force during the period of the present emergency, except as modified by these rules and regulations.

2. The rules and regulations governing the anchorage of vessels herein reaffirmed or promulgated shall be enforced by the port captains of the ports of the Canal Zone. In any case where there are no applicable rules or regulations governing the anchorage of vessels, all anchorage shall be in accordance with the directions of the port captains of the ports of the Canal Zone.

3. The movement of any vessel between points within the area of a port in the Canal Zone, and the movement,

<sup>1</sup> 5 F.R. 2419.



lading, and discharging of explosive or inflammable material or other dangerous cargo shall be under the supervision and control of the port captains of the ports of the Canal Zone.

4. The port captains and chiefs of customs of the ports of the Canal Zone are hereby authorized to cause to be inspected and searched at any time any vessel, foreign or domestic, or any person or package thereon, within the waters of the Canal Zone, to place guards upon such vessels, and to remove therefrom any and all persons not specially authorized by them to go or to remain on board thereof.

5. Port captains are hereby directed, subject to the approval of the Governor, to take full possession and control of any vessel, foreign or domestic, in the waters of the Canal Zone, whenever it appears that such action is necessary to secure such vessels from damage or injury, or to prevent damage or injury to any harbor or waters of the Canal Zone, or to secure the observance of the rights and obligations of the United States. Pending action by the Governor, port captains are authorized to detain any such vessel and are directed to communicate the facts by the most expeditious means available to the Governor.

6. All lighters, barges, ferries, tugs, motor boats, sailboats, and similar craft operating in the harbor or waters of any port of entry are required to be licensed as provided in existing regulations, and the Governor may revoke any license so granted for any failure to comply with the anchorage or harbor regulations or to obey the orders issued thereunder by any duly authorized officer, or for any act inimical to the interests of the United States in the present emergency.

7. No vessel shall depart from any port or place in the Canal Zone on a voyage on which clearance by a port captain is required, unless the port captain shall have been authorized by the Governor to permit the departure.

GLEN E. EDGERTON,  
Acting Governor.

Approved July 9, 1940,

FRANKLIN D. ROOSEVELT,  
President.

[F. R. Doc. 40-3598; Filed, August 28, 1940;  
9:27 a. m.]

#### TITLE 43—PUBLIC LANDS: INTERIOR CHAPTER I—GENERAL LAND OFFICE

[Circular No. 1477]

#### SMALL SALES OF TIMBER ON SCHOOL SECTIONS AND WITHDRAWN LANDS IN ALASKA

AUGUST 19, 1940.

The regulations governing small sales of timber on the public lands in Alaska, for use in Alaska, are contained in Cir-

cular No. 1393, dated June 20, 1936 (§§ 79.15 to 79.33, inclusive, of the Code of Federal Regulations). Paragraph 14 of the circular, respecting such sales on school sections and on withdrawn lands, was incorporated into the Code as § 79.29. In order to make the regulations conform to the provisions of the act of August 7, 1939 (53 Stat. 1243), the paragraph and section mentioned are hereby amended to read as follows:

§ 79.29 (Paragraph 14) *Timber on school sections and on withdrawn lands.* The act of August 7, 1939 (53 Stat. 1243), provides that timber on the lands reserved to the Territory of Alaska, for educational uses, by the act of March 4, 1915 (38 Stat. 1214), may be sold by the Secretary of the Interior under the provisions of Sec. 11 of the act of May 14, 1898 (30 Stat. 414), and appropriates and sets apart the entire proceeds from the sale of timber on such reserved lands as permanent funds in the Territorial treasury. In accordance with such provisions, the regulations contained in Circular No. 1393, dated June 20, 1936 (§§ 79.15-79.33), are hereby made applicable to timber upon the sections 16, 33, and 36, to which the Territorial rights have attached under the reservation made to the Territory, for educational uses, by the act of March 4, 1915 (38 Stat. 1214). Where such sale is made, the proceeds shall be deposited in the Treasury under the receipt title "6003 Proceeds of Mineral or Reserved Lands, Tanana Valley, Alaska—Special Account." The regulations are inapplicable to timber upon withdrawn areas unless the order of withdrawal permits.

The surveyed sections 16, 33, and 36, described in the act of March 4, 1915, to which the Territorial rights have not attached because of their known mineral character at the date of acceptance of the survey thereof by the Commissioner of the General Land Office, are also subject to the provisions of the act of May 14, 1898, for the sale of timber thereon, the proceeds therefrom to be deposited in the Treasury under the same receipt title as above indicated.

Although the provisions of section 11 of the act of May 14, 1898, for the sale of timber, are applicable to the unsurveyed lands in Secs. 16, 33, and 36 in Alaska, there is no provision of law for appropriating the proceeds from such sale as permanent funds in the Territorial treasury.

FRED W. JOHNSON,  
Commissioner.

Approved, August 19, 1940.

OSCAR L. CHAPMAN,  
Assistant Secretary.

These regulations are issued under authority of the act of August 7, 1939 (53 Stat. 1243).

[F. R. Doc. 40-3600; Filed, August 28, 1940;  
9:29 a. m.]

[Circular No. 1478]

#### REGULATIONS GOVERNING THE DISPOSITION OF MINERALS IN LANDS RESERVED TO THE TERRITORY OF ALASKA FOR EDUCATIONAL USES

The following sections are hereby added to Title 43 of the Code of Federal Regulations, Chapter 1, Subchapter A—Alaska:

#### SCHOOL SECTIONS

§ 69.19 *Statutory authority; mining claims.* The Act of August 7, 1939 (53 Stat. 1243) amended section 1 of the Act of March 4, 1915 (38 Stat. 1214) to provide that the lands reserved to the Territory of Alaska for educational uses and the minerals therein shall be subject to disposition under the mining and mineral leasing laws of the United States, upon conditions providing for compensation to any Territorial lessee for any resulting damages to crops or improvements on such lands, and that the entire proceeds or income derived by the United States from such disposition of the lands or the minerals therein shall be appropriated and set apart as permanent funds in the Territorial treasury.

The Act of August 7, 1939 applies to the lands in Secs. 16 and 36 in each township in the Territory, and Sec. 33 in each township in the Tanana Valley between parallels 64° and 65° of north latitude and between meridians 145° and 152° of west longitude, which have been surveyed and were not of known mineral character at the time of the acceptance of the survey, and any such numbered sections in other townships hereafter surveyed and not of known mineral character at the time of the acceptance of the survey. The Act does not apply to such numbered sections to which the reservation for the Territory has not attached either because the lands have not been surveyed or because of their known mineral character at the date of the acceptance of the survey, which lands are subject to the operation of the mining and mineral leasing laws, in like manner as other public lands.

§ 69.20 *Mining locations, entries and patents.* Under the provisions of the amendatory Act of August 7, 1939, lands in the reserved school sections are subject to location, entry and patent under the mining laws, subject to all the conditions thereof applicable to the Territory and with the additional condition that in cases where the lands are under lease from the Territory at the time of prospecting for mineral or making a mining location, the prospector or locator will be liable to and shall compensate such lessee for resulting damages to the crops and improvements of such lessee by reason of prospecting or mining operations. The Act also provides that any lease issued by the Territory for such reserved lands after a valid appropriation under the mining laws shall be with due regard



to the rights of the mineral claimant. Controversies between Territorial lessees and mineral prospectors or owners of mining claims on the same lands involving the right of possession, occupancy and use of the lands, or liability for damages, are matters within the jurisdiction of the local courts.

## SCHOOL SECTIONS

§ 70.28 *Coal permits and leases.* Under the provisions of the Act of August 7, 1939 (53 Stat. 1243), coal permits and leases may be issued under the Leasing Act of October 20, 1914 (38 Stat. 741), as amended, and the regulations thereunder (§§ 70.1-70.27), on the lands reserved to the Territory of Alaska for educational uses by section 1 of the Act of March 4, 1915 (38 Stat. 1214), as set forth in § 69.19.

§ 70.29 *Occupation and use of surface by coal permittees or lessees.* Permits and leases issued for such lands will be subject to the additional condition provided by the Act of August 7, 1939 that in cases where the permit or lease is issued after leases have been issued for the land by the Territory, the permittee or lessee shall compensate the Territorial lessee for any resulting damages to crops or improvements on such lands incurred while prospecting for or removing coal from the land. The Act also provides that any lease issued by the Territory for such reserved lands after a valid appropriation under the mineral leasing laws of the United States shall be with due regard to the rights of the mineral claimant. Controversies between Territorial lessees and coal permittees or lessees on the same lands involving the right of possession, occupancy and use of the lands, or liability for damages, are matters within the jurisdiction of the local courts.

## SCHOOL SECTIONS

§ 71.12 *Potash and sodium permits and leases and oil and gas, phosphate and oil shale leases.* Under the provisions of the Act of August 7, 1939 (53 Stat. 1243) any person having acquired a permit or lease from the United States for the prospecting for or mining potash, sodium, oil, gas, phosphate or oil shale deposits from the lands reserved to the Territory of Alaska for educational purposes by the Act of March 4, 1915 (38 Stat. 1214), as set forth in § 69.19, shall compensate the Territorial lessee for any resulting damages to crops or improvements on such lands where the mineral permit or lease shall be issued after the issuance of the Territorial lease. The Act also provides that any lease issued by the Territory for such reserved lands after a lease has been issued under the mineral leasing laws shall be with due regard to the rights of the mineral claimant. Controversies between Territorial lessees and permittees or lessees under the mineral leasing laws on the same lands involving the right of possession,

occupancy and use of the lands, or liability for damages, are matters within the jurisdiction of the local courts.

FRED W. JOHNSON,  
Commissioner.

Approved, August 19, 1940.

OSCAR L. CHAPMAN,  
Assistant Secretary.

These regulations are issued under authority of 53 Stat. 1243.

[F. R. Doc. 40-3601; Filed, August 28, 1940; 9:29 a. m.]

## Notices

## DEPARTMENT OF AGRICULTURE.

## Rural Electrification Administration.

[Administrative Order No. 509]

## ALLOCATION OF FUNDS FOR LOANS

AUGUST 20, 1940.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Colorado 1034A1 Eagle.....	\$119,000
Indiana 1060A2 Morgan.....	375,000
Iowa 1023C1 Crawford.....	70,000
Iowa 1032D1 Butler.....	110,000
Kentucky 1026D1 Todd.....	81,000
Minnesota 1053D1 Waseca.....	167,000
Ohio 1030B1 Marion.....	37,000
Tennessee 1027A2 Carroll Public.....	50,000
Texas 1030E1 Upshur.....	190,000
Texas 1071B1 Clay.....	110,000
Texas 1088B1 Nueces.....	134,000
Wisconsin 1054C1 Polk-Burnett.....	146,000

[SEAL] HARRY SLATTERY,  
Administrator.

[F. R. Doc. 40-3593; Filed, August 27, 1940; 3:27 p. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5819]

## IN RE APPLICATION OF LOYOLA UNIVERSITY (WWL)

Dated November 27, 1939; for renewal of license; class of service, broadcast; class of station, broadcast; location, New Orleans, La.; operating assignment specified: frequency, 850 kc.; power, 50 kw.; hours of operation, S. H.

[File No. B3-R-447]

## NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be held at the offices of the Commission, Washington, D. C., on November 12, 1940, at 10:00 a. m., E. S. T., for the following reasons:

1. To determine whether applicant, as licensee of this station, has undertaken

and fully discharged its duty to the public in the operation of the facilities.

2. To determine whether applicant, either directly or indirectly, has transferred, assigned, or in any manner disposed of any of the rights granted in the station's license to any other person, firm, or corporation, without having obtained the written consent of this Commission, in violation of the Communications Act of 1934, as amended, particularly section 310 (b) thereof.

3. To determine whether the station has been operated by any person without a license to do so granted by this Commission, in violation of the Communications Act of 1934, as amended, particularly section 301 thereof.

4. To determine whether the granting of this application and the continued operation of the station will serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Loyola University,  
Radio Station WWL,  
6363 St. Charles Ave.,  
New Orleans, La.

Dated at Washington, D. C., August 23, 1940.

By the Commission.

[SEAL] JOHN B. REYNOLDS,  
Acting Secretary.

[F. R. Doc. 40-3603; Filed, August 28, 1940; 11:03 a. m.]

[Docket No. 5920]

## IN RE APPLICATION OF CORNELL UNIVERSITY (WHCU)

Dated, December 6, 1939, for renewal of license; class of service, broadcast; class of station, broadcast; location, Elmira, N. Y.; operating assignment specified: frequency, 850 kc.; power, 1 kw. day; hours of operation, daytime

[File No. B1-R-233]

## NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be held at the offices of the Commission, Washington, D. C., on October 28, 1940, at 10:00 a. m., E. S. T., for the following reasons:



1. To determine whether applicant, as licensee of this station, has undertaken and fully discharged its duty to the public in the operation of the facilities.

2. To determine whether applicant, either directly or indirectly, has transferred, assigned or in any manner disposed of any of the rights granted in the station's license to any other person, firm, or corporation, without having obtained the written consent of this Commission, in violation of the Communications Act of 1934, as amended, particularly section 310 (b) thereof.

3. To determine whether the station has been operated by any person without a license to do so granted by this Commission, in violation of the Communications Act of 1934, as amended, particularly section 301 thereof.

4. To determine whether the granting of this application and the continued operation of the station will serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Cornell University,  
Radio Station WHCU,  
University Campus,  
Ithaca, New York.

Dated at Washington, D. C. August 23, 1940.

By the Commission.

[SEAL] JOHN B. REYNOLDS,  
Acting Secretary.

[F. R. Doc. 40-3604; Filed, August 28, 1940;  
11:03 a. m.]

[Docket No. 5821]

IN RE APPLICATION OF ALABAMA POLYTECHNIC INSTITUTE, UNIVERSITY OF ALABAMA AND ALABAMA COLLEGE (BOARD OF CONTROL) (WAPI)

Dated November 25, 1939, for renewal of license; class of service, broadcast; class of station, broadcast; location, Birmingham, Alabama; operating assignment specified: frequency, 1140 kc.; power, 5 kw.; Hrs. (Simul. Day KVOO of Op. Share KVOO night)

[File No. B3-R-419]

#### NOTICE OF HEARING

You are hereby notified that the Commission has examined the above de-

scribed application and has designated the matter for hearing, to be held at the offices of the Commission, Washington, D. C., on September 30, 1940, at 10:00 a. m. E. S. T., for the following reasons:

1. To determine whether applicant, while holding a license for this station has assumed the responsibilities and discharged the duties of a licensee of a radiobroadcast station as required by the Act and the Commission's Rules and Regulations.

2. To determine whether applicant, either directly or indirectly, has transferred, assigned, or in any manner disposed of any of the rights granted in the station's license to any other person, firm, or corporation, without having obtained the written consent of this Commission, in violation of the Communications Act of 1934, as amended, particularly section 310 (b) thereof.

3. To determine whether the station has been operated by any person without a license to do so granted by this Commission, in violation of the Communications Act of 1934, as amended, particularly section 301 thereof.

4. To determine whether the granting of this application and the continued operation of the station will serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Alabama Polytechnic Institute,  
University of Alabama and Alabama  
College (Board of Control of  
Broadcasting Station WAPI),  
2029 1st Ave. No.,  
Birmingham, Alabama.

Dated at Washington, D. C., August 23, 1940.

By the Commission,

[SEAL] JOHN B. REYNOLDS,  
Acting Secretary.

[F. R. Doc. 40-3605; Filed, August 28, 1940;  
11:03 a. m.]

[Docket No. 5822]

IN RE APPLICATION OF GENERAL ELECTRIC COMPANY (WGY)

Dated November 30, 1939, for renewal of license and auxiliary; class of service, broadcast; class of station, broadcast; location, transmitter: Mariaville Road,

near South Schenectady, New York—studio: No. 1 River Road, Schenectady, New York; operating assignment specified: frequency, 790 kc.; power, 50 kw. night, 50 kw. day; hours of operation, unlimited

[File No. B1-R-264]

#### NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be held at the offices of the Commission, Washington, D. C., on October 21, 1940, at 10:00 a. m. E. S. T., for the following reasons:

1. To determine whether applicant, while holding a license for this station has assumed the responsibilities and discharged the duties of a licensee of a radiobroadcast station as required by the Act and the Commission's rules and regulations.

2. To determine whether applicant, either directly or indirectly, has transferred, assigned, or in any manner disposed of any of the rights granted in the station's license to any other person, firm, or corporation, without having obtained the written consent of this Commission, in violation of the Communications Act of 1934, as amended, particularly section 310 (b) thereof.

3. To determine whether the station has been operated by any person without a license to do so granted by this Commission, in violation of the Communications Act of 1934, as amended, particularly section 301 thereof.

4. To determine whether the granting of this application and the continued operation of the station will serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

General Electric Co.,  
Radio Station WGY,  
1 River Road,  
Schenectady, N. Y.

Dated at Washington, D. C., August 23, 1940.

By the Commission.

[SEAL] JOHN B. REYNOLDS,  
Acting Secretary.

[F. R. Doc. 40-3606; Filed, August 28, 1940;  
11:04 a. m.]



[Docket No. 5823]

IN RE APPLICATION OF WESTINGHOUSE  
ELECTRIC AND MANUFACTURING COMPANY  
(WBZA)

*Dated November 27, 1939, for renewal of license; class of service, broadcast; class of station, broadcast; location, transmitter: East Springfield, Mass.; studio: Boston, Mass.; operating assignment specified: frequency, 990 kc.; power, 1 kw. night, 1 kw. day; hours of operation, unlimited when synchronized with WBZ*

[File No. B1-R-195]

## NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be held at the offices of the Commission, Washington, D. C., on October 7, 1940, at 10:00 a. m. E. S. T. for the following reasons:

1. To determine whether applicant, while holding a license for this station has assumed the responsibilities and discharged the duties of a licensee of a radiobroadcast station as required by the Act and the Commission's rules and regulations.

2. To determine whether applicant, either directly or indirectly, has transferred, assigned, or in any manner disposed of any of the rights granted in the station's license to any other person, firm, or corporation, without having obtained the written consent of this Commission, in violation of the Communications Act of 1934, as amended, particularly section 310 (b) thereof.

3. To determine whether the station has been operated by any person without a license to do so granted by this Commission, in violation of the Communications Act of 1934, as amended, particularly section 301 thereof.

4. To determine whether the granting of this application and the continued operation of the station will serve public interest, convenience and necessity.

5. To determine to what extent the operation of Station WBZA synchronously with Station WBZ precludes the applicant from rendering a service in the public interest to either or both of the communities in which these stations are located.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of

section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Westinghouse Electric & Manufacturing Co.  
Station WBZA Broadcasting Headquarters  
1619 Walnut Street  
Philadelphia, Penna.

Dated at Washington, D. C., August 23, 1940.

By the Commission,

[SEAL] JOHN B. REYNOLDS,  
Acting Secretary.

[F. R. Doc. 40-3607; Filed, August 28, 1940; 11:04 a. m.]

[Docket No. 5824]

IN RE APPLICATION OF WESTINGHOUSE  
ELECTRIC & MANUFACTURING COMPANY  
(KYW)

*Dated November 27, 1939; for renewal of license; class of service, broadcast; class of station, broadcast; location, transmitter: Joshua Road, White-marsh Township, Penna.; studio: Philadelphia, Penna.; operating assignment specified: Frequency, 1,020 kc.; power, 10 kw. night; 10 kw. day; hours of operation, unlimited*

[File No. B2-R-562]

## NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be held at the offices of the Commission, Washington, D. C., on October 7, 1940, at 10:00 a. m. E. S. T., for the following reasons:

1. To determine whether applicant, while holding a license for this station has assumed the responsibilities and discharged the duties of a licensee of a radio broadcast station as required by the Act and the Commission's rules and regulations.

2. To determine whether applicant, either directly or indirectly, has transferred, assigned, or in any manner disposed of any of the rights granted in the station's license to any other person, firm, or corporation, without having obtained the written consent of this Commission, in violation of the Communications Act of 1934, as amended, particularly section 310 (b) thereof.

3. To determine whether the station has been operated by any person without a license to do so granted by this Commission, in violation of the Communications Act of 1934, as amended, particularly section 301 thereof.

4. To determine whether the granting of this application and the continued operation of the station will serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless

the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Westinghouse Electric & Manufacturing Co.  
Station KYW Broadcasting Headquarters  
1619 Walnut Street  
Philadelphia, Pennsylvania

Dated at Washington, D. C., August 23, 1940.

By the Commission,

[SEAL] JOHN B. REYNOLDS,  
Acting Secretary.

[F. R. Doc. 40-3608; Filed, August 28, 1940; 11:04 a. m.]

[Docket No. 5825]

IN RE APPLICATION OF WESTINGHOUSE  
ELECTRIC (WBZ) AND MANUFACTURING  
COMPANY

*Dated November 27, 1939; for renewal of license; class of service, broadcast; class of station, broadcast; location, Boston, Mass.; operating assignment specified: Frequency, 990 kc.; power 50 kw. night, 50 kw. day; hours of operation, unlimited when synchronized with Station WBZA*

[File No. B1-R-202]

## NOTICE OF HEARING

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be held at the offices of the Commission, Washington, D. C., on October 7, 1940, at 10:00 a. m. E. S. T., for the following reasons:

1. To determine whether applicant, while holding a license for this station has assumed the responsibilities and discharged the duties of a licensee of a radiobroadcast station as required by the Act and the Commission's rules and regulations.

2. To determine whether applicant, either directly or indirectly, has transferred, assigned, or in any manner disposed of any of the rights granted in the station's license to any other person, firm, or corporation, without having obtained the written consent of this Commission, in violation of the Communications Act of 1934, as amended, particularly section 310 (b) thereof.



3. To determine whether the station has been operated by any person, without a license to do so granted by this Commission, in violation of the Communications Act of 1934, as amended, particularly section 301 thereof.

4. To determine whether the granting of this application and the continued operation of the station will serve public interest, convenience and necessity.

5. To determine to what extent the operation of Station WBZ synchronously with Station WBZA precludes the applicant from rendering a service in the public interest to either or both of the communities in which these stations are located.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Westinghouse Electric & Mfg. Co.,  
Station WBZ Broadcasting Headquarters,  
1619 Walnut St.,  
Philadelphia, Pa.

Dated at Washington, D. C. August 23, 1940.

By the Commission.

[SEAL] JOHN B. REYNOLDS,  
Acting Secretary.

[F. R. Doc. 40-3609; Filed, August 28, 1940;  
11:05 a. m.]

[Docket No. 5826]

IN RE APPLICATION OF WESTINGHOUSE  
ELECTRIC & MANUFACTURING CO. (KDKA  
AND AUXILIARY)

Dated November 27, 1939 (KDKA),  
December 26, 1939 (Auxiliary); for  
renewal of license and auxiliary; class  
of service, broadcast; class of station,  
broadcast; location, Pittsburgh, Penn-  
sylvania; operating assignment speci-  
fied: frequency, 980 kc.; power, 50 kw.;  
hours of operation, unlimited

[File No. B2-R-338]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be held at the offices of the Commission, Washington,

D. C., on October 7, 1940, at 10:00 a. m., E. S. T., for the following reasons:

1. To determine whether applicant, while holding a license for this station, has assumed the responsibilities and discharged the duties of a licensee of a radiobroadcast station as required by the Act and the Commission's rules and regulations.

2. To determine whether applicant, either directly or indirectly, has transferred, assigned, or in any manner disposed of any of the rights granted in the station's license to any other person, firm, or corporation, without having obtained the written consent of this Commission, in violation of the Communications Act of 1934, as amended, particularly section 310 (b) thereof.

3. To determine whether the station has been operated by any person without a license to do so granted by this Commission, in violation of the Communications Act of 1934, as amended, particularly section 301 thereof.

4. To determine whether the granting of this application and the continued operation of the station will serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Westinghouse Electric & Manufac-  
turing Co.,  
Station KDKA, Broadcasting Head-  
quarters,  
1619 Walnut Street,  
Philadelphia, Pa.

Dated at Washington, D. C., August 23, 1940.

By the Commission.

[SEAL] JOHN B. REYNOLDS,  
Acting Secretary.

[F. R. Doc. 40-3610; Filed, August 28, 1940;  
11:05 a. m.]

[Docket No. 5896]

IN RE APPLICATIONS OF WARREN FISH CO.

Dated May 28, 1940, for ship radio station  
licenses for vessels: Barcelona  
(WFWA), Seminole (WFWK), Lucky  
Strike (WFWG), Osceola (WFWI),  
Mineola (WFWH), Keturah (WFWF),

John Francis Taylor (WFWF), Isabelle  
(WFWF), Culebra (WFWB), Dolphin  
(WFWC), William Hays (WFWL),  
Peerless (WFWJ); class of service,  
(third) private; class of station, third;  
location, Pensacola, Florida; operating  
assignment specified: Frequency, 2738,  
6470, 8585, 2166, 2670 kcs; power, 25  
kw; emission, A3

[File Nos. 8050, 7955, 7962, 7963, 8060, 8061,  
8062, 8063, 8064, 8065, 8066, 8067]

#### NOTICE OF HEARING

You are hereby notified that the Commission has examined the applications in the above-entitled case and has designated the matter for hearing for the following reasons:

1. To determine the legal, technical, financial and other qualifications of the applicant to own and operate the proposed stations.

2. To determine the exact purposes for which the stations are intended to be used.

3. To determine the character of operations conducted by the applicant under prior authorizations, or without authorization.

4. To determine whether use of the frequencies requested may be authorized pursuant to the Rules and Regulations of the Commission, Communications Act of 1934, as amended, and Treaty Agreements of the United States.

5. To determine whether or not interference will result to the service of any existing station or stations in the proposed use of the frequencies requested.

6. To determine whether or not the granting of the applications would serve public interest, convenience or necessity.

The applications involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Warren Fish Company,  
Baylen Street Wharf (P. O. Box 270)  
Pensacola, Florida.

Dated at Washington, D. C. August 26, 1940.

By the Commission.

[SEAL] JOHN B. REYNOLDS,  
Acting Secretary.

[F. R. Doc. 40-3611; Filed, August 28, 1940;  
11:05 a. m.]



[Docket No. 5899]

IN RE APPLICATION OF MOHAWK RADIO  
INC. (NEW)

Dated January 26, 1940, for construction permit; class of service, broadcast; class of station, broadcast; location, Schenectady, N. Y.; operating assignment specified: Frequency, 1210 kc.; power 250 w.; hours of operation, unlimited

[File No. B1-P-2732]

## NOTICE OF HEARING

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following reasons:

1. To determine the legal, technical, financial and other qualifications of the applicant to construct and operate the proposed station.
2. To determine whether public interest, convenience and necessity would be served through the granting of either the application of Western Gateway Broadcasting Corporation or that of Mohawk Radio, Inc., and the consequent withdrawal of the authority heretofore granted to the Van Curler Broadcasting Corporation to construct a station at Schenectady, New York.
3. To determine whether public interest would be served by the granting of the application of Mohawk Radio, Inc., in view of the fact that a majority of applicant's capital stock is held by a person who resides in another community, and who holds a substantial interest in and is engaged in the management of two broadcast stations which deliver service to a part of the area which would be served by the proposed new station.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Mohawk Radio Inc.,  
% Mathias P. Poersch,  
517 State Street,  
Schenectady, New York.

Dated at Washington, D. C., August 26, 1940.

By the Commission.

[SEAL] JOHN B. REYNOLDS,  
Acting Secretary.

[F. R. Doc. 40-3612; Filed, August 28, 1940;  
11:06 a. m.]

[Docket No. 5900]

IN RE APPLICATION OF WESTERN GATEWAY  
BROADCASTING CORPORATION (NEW)

Dated December 27, 1939; for construction permit; class of service, broadcast; class of station, broadcast; location, Schenectady, N. Y.; operating assignment specified, frequency, 1210 kc, power, 250 watts night, 250 watts day, hours of operation unlimited

[File No. B1-P-2690]

## NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the legal, technical, financial and other qualifications of the applicant to construct and operate the proposed station.
2. To determine whether public interest, convenience and necessity would be served through the granting of either the application of Mohawk Radio, Inc., or that of Western Gateway Broadcasting Corporation, and the consequent withdrawal of the authority heretofore granted to the Van Curler Broadcasting Corporation to construct a station at Schenectady, New York.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of section 1.102 of the Commission's Rule of Practice and Procedure.

The applicant's address is as follows:

Western Gateway Broadcasting  
Corp.,  
Att: Winslow P. Leighton,  
% Leighton & Nelson,  
202 State Street,  
Schenectady, New York.

Dated at Washington, D. C., August 26, 1940.

By the Commission.

[SEAL] JOHN B. REYNOLDS,  
Acting Secretary.

[F. R. Doc. 40-3613; Filed August 28, 1940;  
11:06 a. m.]

## FEDERAL TRADE COMMISSION.

[Docket No. 3914]

IN THE MATTER OF R. J. REYNOLDS  
TOBACCO COMPANYORDER APPOINTING TRIAL EXAMINER AND  
FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of August, A. D. 1940.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U.S.C.A., Section 41), and (49 Stat. 1526, U.S.C.A., Section 13, as amended).

It is ordered, That Randolph Preston, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, September 17, 1940, at ten o'clock in the forenoon of that day (eastern standard time), Hearing Room, Federal Trade Commission, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 40-3618; Filed, August 28, 1940;  
11:22 a. m.]

[Docket No. 3919]

IN THE MATTER OF PHILIP MORRIS &  
COMPANY, LTD., INC.ORDER APPOINTING TRIAL EXAMINER AND  
FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of August, A. D. 1940.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U.S.C.A., Section 41), and (49 Stat. 1526, U.S.C.A., Section 13, as amended).

It is ordered, That Randolph Preston, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;



It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, October 1, 1940, at ten o'clock in the forenoon of that day (eastern standard time) Room 332, Federal Trade Commission Building, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 40-3619; August 28, 1940;  
11:22 a. m.]

### SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-122]

IN THE MATTER OF INDIANA SERVICE CORPORATION

ORDER CORRECTING ORDER OF THE COMMISSION ISSUED AUGUST 22, 1940

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 27th day of August, A. D. 1940.

Indiana Service Corporation having filed a declaration pursuant to Rule U-12C-1 with respect to the reacquisition and retirement of its 5% Conditional Sales Serial Notes and of its 5% Conditional Sales Installment Note then outstanding, and an application pursuant to Section 6 (b) of the Act for exemption from the provisions of Section 6 (a) of the Act of the proposed issue and sale by applicant of certain of its Notes;

The Commission having on August 22, 1940 entered an Order permitting said declaration to become effective and granting said application;

It appearing that the figure "3¾%" after the words "at the rate of" in the first sentence of paragraph (1) (b) of said Order should be "3¼%"; and it appearing that the figure "28" in the first sentence of paragraph (1) (b) of said Order should be "21"; and

It further appearing that said errors were wholly clerical;

It is ordered, That said Order be, and it hereby is, amended by striking out said figure "3¾%" and substituting therefor the figure "3¼%", and by striking out said figure "28" and substituting therefor the figure "21".

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 40-3617; Filed, August 28, 1940;  
11:17 a. m.]

[File No. 70-128]

IN THE MATTER OF THE ISLANDS GAS AND ELECTRIC COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of August, A. D. 1940.

The above-named company having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly Section 7 thereof, regarding the proposed modification of the indenture securing its 25-Year 5½% Sinking Fund Secured Gold Bonds Series A, due March 1, 1953, in order that its subsidiary, Manila Gas Corporation, may issue and sell mortgage bonds or other evidences of indebtedness, free from any requirement that such securities be acquired by the above-named company and pledged under any indenture securing its outstanding obligations; and

Said declaration having been filed on August 1, 1940 and certain amendments having been filed thereto, the last of said amendments having been filed on August 14, 1940, notice of said filing having been duly given in the form and manner prescribed by Rule U-8 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified within said notice, or otherwise, and not having ordered a hearing thereon; and

The above-named company having requested that said declaration, as filed or as amended, become effective at the earliest possible date; and

The Commission finding with respect to said declaration under Section 7 of said Act that the requirements of Section 7 (g) of said Act are satisfied and that no adverse findings are necessary under Section 7 (e) of said Act and being satisfied that the effective date of such declaration, as amended, should be advanced;

It is hereby ordered, Pursuant to said Rule U-8 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-9, that the aforesaid declaration, as amended, be and hereby is permitted to become effective forthwith.

By the Commission, Commissioners Frank and Healy being absent and not participating.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 40-3616; Filed, August 28, 1940;  
11:17 a. m.]

[File No. 70-130]

IN THE MATTER OF CENTRAL U. S. UTILITIES COMPANY AND PENNSYLVANIA INVESTING CORPORATION

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE PURSUANT TO RULE U-8

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of August, A. D. 1940.

Central U. S. Utilities Company having filed a declaration with three amendments thereto pursuant to the Public Utility Holding Company Act of 1935, particularly Section 12 (b) thereof and Rule U-12B-1 promulgated thereunder, Said declaration as amended concerns a contribution by declarant of \$173,000 in cash to its wholly-owned subsidiary, Union Gas & Electric Company, the cash to be used by Union Gas & Electric Company to retire a like amount of its First Mortgage 5% Gold Bonds due September 1, 1940 (the bonds to be retired represent the entire issue outstanding except for \$202,000 principal amount of said bonds which are owned by Pennsylvania Investing Corporation, an associate of Union Gas & Electric Company and a wholly-owned subsidiary of Central U. S. Utilities Company);

Pennsylvania Investing Corporation having filed a declaration pursuant to Section 12 (b) of the Act and Rule U-12B-1 concerning such extension of credit as is involved in declarant's not demanding payment at maturity of its holdings of such bonds, and

The initial filing having been made on August 2, 1940, and amendments having been filed on August 22, 24 and 27, 1940 and notice of said filing having been duly given in the form and manner prescribed by Rule U-8 promulgated pursuant to said Act, and the Commission not having received a request for a hearing within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

A request having been made by declarants that the effective date for said declarations be accelerated; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declarations pursuant to Rule U-12B-1 to become effective, and being satisfied that the effective date of such declarations should be advanced;

It is ordered, Pursuant to said Rule U-8 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-9, that the aforesaid declarations as amended be and hereby are permitted to become effective at 4:30 P. M., E. S. T. on August 27, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

Chairman Frank and Commissioner Healy were absent at the time of, and



did not participate in, the Commission action taken herein.

[F. R. Doc. 40-3614; Filed, August 28, 1940; 11:17 a. m.]

[File No. 70-145]

IN THE MATTER OF SAN DIEGO CONSOLIDATED GAS & ELECTRIC COMPANY

NOTICE REGARDING FILING SUBJECT TO RULE U-8

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of August, A. D. 1940.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than September 14, 1940 at 1:00 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such application, as filed or as amended, may be granted, as provided in Rule U-8 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C. Pursuant to Rule U-8 the above named party has requested that its application be granted by September 16, 1940.

All interested persons are referred to said application, which is on file in the office of said Commission, for a state-

ment of the transactions therein proposed, which are summarized below:

San Diego Consolidated Gas & Electric Company proposes to issue and sell \$16,000,000 principal amount of its First Mortgage Bonds, 3½% Series due July 1, 1970 to the Equitable Life Assurance Society of the United States at a price of 107.38 which will give the Company \$17,180,800. It is stated that the proceeds from such proposed issue and sale will be used to (1) redeem \$15,500,000 principal amount of First Mortgage Bonds 4% Series due 1965, (2) retire bank loans, and (3) reimburse the Company for construction expenditures.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 40-3615; Filed, August 28, 1940; 11:17 a. m.]



